SECOND DAY—*15th June 1926.*

Before the day's business was taken up, MR. MAHOMED ABBAS KHAN informed the House that he had given the President notice of an adjournment motion which he proposed to move with a view to discuss the justification of the recent Government Order abolishing 12 Bench Courts. The motion was "that the business of this Assembly be adjourned for the purpose of discussing the policy underlying the Government Order No. P. 4582-92—C. T. S. 95-25-16, dated 24th March 1926, abolishing some of the Bench Courts, which is a matter of urgent public importance of recent occurrence." He therefore requested the House to grant him leave to move the subject. More than 50 members having voted in favour of allowing the motion, the President permitted the matter being taken up for discussion at 4 o'clock in the afternoon. The remaining items of Government business were then taken up. Copies of the following memorandum on the bill further to amend the Mysore Municipal Regulation, 1906 and of the bill, had been duly circulated to the members.

Memorandum on the Bill Further to Amend the Mysore Municipal Regulation, 1906.

While considering in the Select Committee, the Bill to amend the Municipal Regulation to give effect to the principles approved by the Representative Assembly in October 1924, it was found desirable to remove certain doubts regarding the interpretation of some expressions used in the Municipal Regulation and to obviate difficulties in the practical application of some of its provisions. In Madras and in Bombay action has recently been taken to amend the Municipalities Acts and some of the provisions contained in the Bills may be usefully incorporated in the Municipal Regulation. A Bill to amend the Municipal Regulation is therefore intended to be introduced into the Legislative Council. The Bill together with notes on clauses is placed before the Assembly.

A BILL FURTHER TO AMEND THE MYSORE MUNICIPAL REGULATION, VII OF 1906.

Whereas it is expedient further to amend the Mysore Municipal Regulation, 1906, it is hereby enacted as follows :—

1. This Regulation may be called the Mysore Municipal (Amendment) Regulation, 19 .

2. After the definition of "Councillor" in Clause (2) of Section 3, the following definition shall be added :—

"2 (*a*) 'the whole number' shall mean when used with reference to the Councillors of a Municipal Council, the total sanctioned strength of the Council."

3. At the end of Clause (10) of Section 3, add the following :—

"and shall include all payments made or agreed to be made by a tenant to the owner of the building or land on account of occupation, taxes, insurance or other charges incidental to his tenancy."

4. At the end of Sub-Section (1) of Section 10, add the following proviso :—

"Provided also that the Government may direct that all the Councillors shall be elected."

5. After Sub-Section (2) of Section 13, the following section shall be inserted :—

"13A. A person who is elected or appointed a Councillor of a Council whose term of office has not commenced shall not be qualified to be elected as a Councillor for the same Council at any election held after his election or appointment as such Councillor but before the commencement of the term of such Council."

6. At the end of Sub-Section (1) of Section 15, add the following para, *viz* :—

"If any person is elected or nominated as a Councillor in contravention of the above provisions, his seat should be deemed to be vacant."

7. After Sub-Section (2) (*b*) (ii) of Section 15, add the following :—

"(iii) in which he is engaged at the time in any case against the Municipal Council or"

8. After Sub-Clause (*e*) of Sub-Section (2) of Section 15, add the following:—

"(*f*) fails to pay any arrears of any kind due by him to the Municipal Council within three months after a special notice in this behalf has been served upon him."

9. At the end of Sub-Section (3) of Section 15, add the folllowing :—

"after a reasonable opportunity has been given to the Councillor."

10. The following shall be inserted for Section 15 A :—

"Any Councillor may resign his office from the date of giving a notice in writing to that effect to the President and the President may resign his office by giving a notice in writing to that effect to the Government in the case of City Municipalities and to the Deputy Commissioner in the case of other Municipalities. In the case of residents, if such resignation is accepted it shall take effect from the date on which the intimation of such acceptance reaches the office of the President."

11. The following para shall be added to Section 18 :—.

"A Councillor whose office has become vacant under Sub-Clause (2), Section 15 shall, if his disability has ceased, be eligible for re-election."

12. After Clause (5) of Section 22, add the following :—

"*Explanation*—The expression 'error' in this clause does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Regulation or Rules made thereunder whereby the result of election has been materially affected."

13. At the end of Sub-Section (6) of Section 22, after the word "disqualifications" add the following :—

"Provided further that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made."

14. After Section 23, the following section shall be inserted :—

"23A. The Government may remove any elected or nominated President or Vice-President, if a resolution for such removal is passed by three-fourths of the whole number of Councillors of the Municipal Council at a meeting specially convened in that behalf, such a resolution being confirmed at a like meeting by a like majority."

15. After Clause (*d*), Sub-Section (1) of Section 24, insert the following clause :—

"(*e*) The President of a Municipal Council may in cases of emergency direct the execution or stoppage of any

work or the doing of any act which requires the sanction of the Municipal Council and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public and may direct that the expense of executing such work or doing such an act shall be paid from the Municipal Fund, provided that

(*i*) he shall not act under this section in contravention of any order of the Municipal Council prohibiting the execution of any particular work or the doing of any particular act ; and

(*ii*) he shall report forthwith the action taken under this section and the reason therefor to the Municipal Council at their next meeting."

16. In Sub-Section (3) of Section 26 after the word "notice" when it occurs a second time, insert the following :—

"or in cases of great urgency notice of such shorter period as is reasonable."

17. In Sub-Section (12) of Section 26 for the word "supported" where it occurs first, substitute the word "passed" and omit the words "and passed" occurring after the word "Councillors."

18. After the word "President" in Sub-Section (2) of Section 26B, the words "and to move resolutions" shall be added.

19. In clause (*b*) of proviso to Sub-Section (2) of Section 27, the figures "29 or 29A" shall be substituted for the figure "29."

20. For Sub-Section (2) of Section 36, the following shall be substituted :—

"(2) Every order passed by a Managing Committee or by a Committee appointed under Sections 28, 29 or 29A, other than orders under Sub-Section (3) of Section 65 shall be subject to revision by, and open to appeal to the Municipal Council in accordance with rules that may be framed by the Municipal Council in this behalf."

21. (1) In Section 37, the words "rules that may be framed" shall be substituted for the words "rules to be made."

(2) In the same section, the figures and word "29 or 29A" shall be substituted for the word and figure "or 29."

22. After Sub-Section (1) of Section 38, add the following para :—

"No resolution of a Municipal Council or of any

Committee appointed under this Regulation shall be deemed invalid on account of any irregularity in the service of notice upon any Councillor or member, provided that the proceedings of the Municipal Council or Committee were not prejudicially affected by such irregularity."

23. In clause (*a*) of Sub-Section (1) of Section 48, the words "all public places used for the sale of articles" shall be inserted after the word "markets."

24. After clause (*e*) of Section 48, the following shall be inserted:—

"*Explanation*—Sources and means of water-supply shall include private wells which are used by the public."

25. After Section 50, insert the following section, *viz.*:—

"50A. (1) In any Municipal Council to which a survey of lands, other than lands ordinarily used for the purposes of agriculture only, has been or shall be extended under any law for the time being in force, where any property or any right in or over any property is claimed by or on behalf of the Municipal Council or by a person as against the Municipal Council it shall be lawful for the Deputy Commissioner after formal enquiry, of which due notice has been given, to pass an order deciding the claim.

(2) Any suit instituted in any Civil Court after the expiration of one year from the date of any order passed by the Deputy Commissioner under Sub-Section (1) or; if one or more appeals have been made against such order within the period of limitation, then from the date of any order passed by the final appellate authority, as determined according to the Mysore Land Revenue Code, Section 210, shall be dismissed (although limitation has not been set up as a defence) if the relief claimed is inconsistent with such order; provided that the plaintiff has had due notice of such order.

(3) (*a*) The powers conferred by this section on a Deputy Commissioner may also be exercised by an Assistant Commissioner or by a Survey Officer as defined in the Mysore Land Revenue Code.

(*b*) The formal enquiry referred to in this section shall be conducted in accordance with the provisions of the aforesaid Code.

(*c*) Any person shall be deemed to have had due notice of an enquiry or order under this section if notice thereof has been given in accordance with rules made in this behalf by the Government."

26. At the end of Section 59, the following shall be inserted:—

"Provided further that the Government may, from time to time, alter, add to or cancel any one or more of the schedules Nos. I, II, II-A and III of this Regulation by a notification published in the Official Gazette."

27. Section 61 shall be numbered as Sub-Section (1) and the following shall be added as Sub-Section (2):—

"(2) Notwithstanding anything contained in Sub-Section (1), the Government may either generally or in any particular case issue such orders as it may deem fit for regulating the number and location of toll stations, and determining in the case of neighbouring local authorities which local authorities shall be in charge of particular toll stations and how much of the revenue realised by one local authority from a toll station or toll stations in its charge shall be paid to another neighbouring local authority."

28. After Section 85, insert the following section, *viz.*:—

"85A. (1) If the Municipal Council shall at any time have reason to believe that any person from whom any sums recoverable under the provisions of this chapter is due or is about to become due, is about forthwith to remove from the Municipal area, the Municipal Council may direct the immediate payment by such person of the sum so due or about to become due by him and cause a bill for the same to be presented to him.

(2) If, on presentation of such bill, the said person does not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale of the movable property of the defaulter in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand and the Municipal Council's warrant for distress and sale may be issued and executed without any delay.

29. After Section 126, insert the following section, *viz.*:—

"126A. (1) The Municipal Council may by public notice require that every dog while in the streets and not being led by some person shall be muzzled in such a way as to allow the dog freely to breathe and to drink, while effectually preventing it from biting.

(2) Subject to the provisions of Sub-Section (3), the Municipal Council may take possession of any dog found wandering unmuzzled in any public place and may either

detain such dog until its owner has claimed it, has provided a proper muzzle for it, and has paid all the expenses of its detention, or cause it to be destroyed.

(3) When a dog which has been detained under the last preceding sub-section is wearing a collar with the owner's name and address thereon, such dog shall not be destroyed until a letter stating the fact that it has been so detained has been sent to the said address, and the dog has remained unclaimed for 3 clear days; provided that any dog which is found to be rabid may be destroyed at any time.

(4) Any unclaimed dog and any dog, the owner of which refuses to pay all the expenses of its detention may be sold or destroyed, after having been detained for the said period of 3 clear days.

(5) All expenses incurred by the Municipal Council under this section may be recovered from the owner of any dog which has been taken possession of or detained in the manner provided by Chapter VIII."

30. After para (1) of Sub-Section (2) of Section 142, the following shall be inserted as an additional para:—

"It will be open to a Municipal Council, subject to the approval of Government to set apart any stall or specified locality for the sale of ghee and in such stall or specified locality, no ghee shall be sold that is adulterated with any other substance."

31. After Section 143, insert the following section, *viz.*:—

"143A. No person shall, for the purpose of trade, use or permit to be used any place for stabling milch cattle or for storing or selling milk or for making, storing or selling butter except under and in accordance with the terms of a license from the Municipal Council.

(2) The Municipal Council may grant such license subject to such conditions as they may deem fit and may at any time withdraw such licenses on giving one month's notice to the licensee;

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever so uses or permits to be used in any place for any of the aforesaid purposes without, or in contravention of any of the conditions of, or after the withdrawal of, or during the suspension of, such license, shall be punished with fine which may extend to Rs. 50 and in the case of a continuing offence with additional fine which may

extend to Rs. 10 for each day during which such offence is continued after the date of the conviction for the first such offence.

(4) Upon a conviction being obtained in respect of any place under Sub-Section 3, the Magistrate shall, on the application of the Municipal Council but not otherwise, order such place to be closed, and thereupon, appoint persons or take other steps to prevent such place being so used."

32. In clause (*d*) of Sub-Section 2 of Section 144, after the words "signed by," the following words shall be inserted:—

"the Health Officer of the Municipal Council or"

33. At the end of Section 151, insert the following paragraphs:—

"For the purpose of this Section "nuisance" shall include any contamination of the atmosphere whereby a deposit of soot or any mechanical noise is caused.

Nothing in this Sub-Section shall be deemed to affect any provision of the Mysore Steam Boilers and Prime Movers Regulation, 1920, or shall authorise any order relating to the fixing or fencing of any engine, mill gearing hoist or other machinery in any factory to which the provisions of the Mysore Factories Regulation are applicable."

34. After Sub-Section (2) of Section 165 insert the following:—

"(3) The Municipal Fund shall be liable to pay the expenses of any civil proceeding prosecuted or defended on their behalf."

35. After Section 169 insert the following section, *viz*:—

Accounts to be kept.

"169A. Accounts of the receipts and expenditure of every Municipal Council shall be kept in accordance with the Municipal Account Manual subject to such modifications as the Government may in each case direct."

36. After section 176, insert the following Section, *viz*:—

Government inquiry into Municipal matters.

"176A. (i) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the Municipal Administration of any Municipal area or any matters with respect to which its sanction, approval or consent is required under this Regulation.

(2) The officer holding such inquiry shall, for the purpose thereof, have the powers which are vested in a court under the Code of Civil Procedure in respect of the following matters:—

(*a*) Discovery and inspection.

(*b*) Enforcing the attendance of witnesses and requiring the deposit of their expenses.

(*c*) Compelling the production of documents.

(*d*) Examining witnesses on oath.

(*e*) Granting adjournments.

(*f*) Reception of evidence taken on affidavit, and

(*g*) Issuing commissions for the examination of witnesses;

and may summon and examine *suo moto* any person whose evidence appears to him to be material; and shall be deemed to be a Civil Court within the meaning of Sections 480 and 482 of the Code of Criminal Procedure, Regulation II of 1904.

Explanation.—For the purpose of enforcing the attendance of witnesses, the local limits of such officer's jurisdiction shall be the limits of the Mysore State.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are to be paid, and to allow interest on costs at a rate not exceeding 6 per cent per annum; and such costs and interest shall be leviable as an arrear of land revenue."

37. After Section 179, the following new section shall be inserted:—

"179A. If any dispute for the decision of which this Regulation does not otherwise provide exists between a Municipal Council and one or more other local authorities in regard to any matters arising under the provisions of this or any other Regulation and the dispute is not amicably settled between the local authorities,

(*a*) the Deputy Commissioner may take cognizance of the dispute and decide it himself if it is between two or more Town or Minor Municipal Councils in the same district or between a Town or Minor Municipal Council and a Village Panchayet in the same district and his decision shall be final; and

(*b*) in all other cases, the matter shall be referred to the Government who may take cognizance of the dispute and decide it and the decision of the Government shall be final."

38. For Sub-Section (1) of Section 186B substitute the following:—

"A Municipal Commissioner shall hold office for such period or periods as the Government may from time to time determine."

39. In Section 186L—

(*a*) for the word "Sub-Sections," the word "provisions" shall be substituted;

(*b*) for the words and figures "Sub-Section (1) of Section 151" the word and figure "Section 151" shall be inserted; and

(*c*) for the words and figures "Sub-Section (*c*) of Section 186J" the words and figures "clause (*c*) of Sub-Section (1) of Section 186J" shall be inserted.

40. *Transitory provision.*—Such of the elected Presidents and Vice-Presidents as are in office on the date on which this Regulation comes into force shall continue as such during their term of office as Councillors.

Statement of Objects and Reasons.

While considering in the Select Committee, the Bill to amend the Municipal Regulation to give effect to the principles approved by the Representative Assembly in October 1924, it was found desirable to remove certain doubts regarding the interpretation of some expressions used in the Municipal Regulation and to obviate difficulties in the practical application of some of its provisions. In Madras and in Bombay action has recently been taken to amend the Municipalities Acts and some of the provisions contained in the Bills have been incorporated in this Bill.

Notes and Clauses.

Clause 2.—The words "whole number" are used in a number of sections and there is sometimes a doubt as to whether the words mean the number of Councillors then existing or the total sanctioned strength of the Council including vacancies, if any, existing at the time. This definition is meant to clear this doubt.

Clause 3.—This is adopted from the Bombay City Municipalities Bill and has cleared certain doubts in the definition of "Annual letting value."

Clause 4.—This is taken from the Bombay Bill and provides for all the Councillors being elected.

Clause 5.—There is no provision in the existing Regulation for disqualifying a person who is already elected or appointed to a Council from being again elected to the same Council at an election held before the commencement of the term of such Council and the addition of a provision is necessary to avoid the inconvenience of a fresh election or nomination in such cases.

Clauses 6, 7, 8, 9, and 11.—Are also taken from the Bombay Bill and are self-explanatory.

Clause 10.—In the existing Regulation there is no specific provision as to the date on which resignation takes effect, except in the case of the President of a Municipal Council which is not a City Municipal Council. The amendment will obviate the indefiniteness and scope for doubt which may be entertained as to the date from which the resignation will take effect.

Clause 12.—Clause 12 is adopted from the Bombay Bill and makes it clear that any error which has materially affected the election should not be disregarded by the Judge.

Clause 13.—Is taken from the Bombay Bill and provides for the Councillor being heard before Government pass orders disqualifying him.

Clause 14.—This enables the Government to remove the President or Vice-President from his office when he does not command the confidence of the Council.

Clause 15.—This is adopted from the provision made in the Bombay Bill empowering the President in cases of emergency to direct the execution or stoppage of any work. Similar provision is made in Clause 20 (2) of the Mysore District Boards Bill.

Clause 16.—This is to provide for summoning a meeting in emergent cases on a shorter notice than three days which is now the prescribed minimum. There may be cases where the matter is such as cannot afford to wait for three days and could not well be decided on the President's own responsibility.

Clause 17.—The use of both the words 'supported' and 'passed' in the section is understood to have led to misconception of the meaning intended. Hence the amendment.

Clause 18.—This is to specially provide for the moving of resolutions at meetings of Municipal Councils as in the case of District Boards.

Clause 19.—Section 29A which relates to the Economic Committee is omitted in the existing provision. This omission is rectified.

Clause 20.—For the addition of "29A" *vide* note to Clause 19 above. The other change relating to the provision made for the framing of rules is due to the fact, that though the existing sub-section refers to rules regarding revision and appeal to be framed under Section 46, the latter section makes no mention of revision and appeal. Either provision has to be made in Section 46 or Section 36 itself, and the latter course is adopted on the analogy of Section 37 which embodies power to make rules.

Clause 21.—Mere verbal change calling for no remarks and *vide* reasons given against Clause 19.

Clause 22.—Provides for validating proceedings of the meetings of a Municipal Council or of their Committees in certain circumstances.

Clause 23.—Outside markets and slaughterhouses and places used by or for animals for sale or hire, the Municipal Council have no control over articles sold, etc., though the sale might take place on Municipal property. Power to make bye-laws regarding the control, etc., of sale of articles in places which belong to the Municipal Councils, but which are not markets, etc., may be given to Municipal Councils.

Clause 24.—Provides as in the Bombay Bill for private wells used by the public being included within the meaning of sources and means of water supplies.

Clause 25.—This provision is taken from the Bombay Bill which embodied the provisions of Section 50A of the Bombay District Municipalities Act, 1901 and Bombay Act V of 1879 providing for decision of claims by or against a Municipality in certain circumstances.

Clause 26.—This is to dispense with the necessity to introduce amending Bills when experience dictates change in the schedules as in the District Boards Bill.

Clause 27.—Some Municipal Councils are now allowed to levy tolls on condition of paying a specified share of the tolls to the District Boards concerned; but there is no specific provision in the Regulation for the apportionment of such revenue. It is also necessary to reserve power to Government to intervene either by the issue of general instructions or of orders in individual cases for regulating the number and location of toll-gates.

Clause 28.—A similar provision contained in Section 210 of the Bombay Act III of 1888 was embodied in the

Bombay Bill. It provides for summary proceeding being taken against persons who are about to leave the Municipal area and from whom any sums are due to the Municipality.

Clause 29.—Is taken from the Bombay Bill to control dogs within a Municipal area.

Clause 30.—The object is to provide for a place where pure ghee can be purchased.

Clause 31.—This is adopted from the Bombay Bill and provides for empowering Municipal Councils to control dairies by means of licenses.

Clause 32.—In practice, it is convenient to authorise the Health Officer of the Municipality to sign the certificate. Hence the change.

Clause 33.—This is taken from the Bombay Bill and defines "Nuisance" to include contamination and certain noises.

Clause 34.—Provision is made empowering the Municipal Council to pay the expenses of civil proceedings.

Clause 35.—There is no provision in the Municipal Regulation requiring Municipal Councils to keep accounts. This clause taken from the Bombay Bill provides for it.

Clause 36.—This is taken from the Bombay Bill and empowers Government to order enquiry into Municipal matters by an officer appointed by them, such officer being invested with certain judicial functions.

Clause 37.—There is no specific provision for the settlement of dispute between a Municipal Council and other local authorities in the present Regulation. Such a provision exists in Clause 97 of the District Boards Bill and Clause 55 of the Village Panchayet Bill. The amendment has been drafted so as not to conflict with the aforesaid clauses.

Clause 38.—The change enables Government to appoint the Municipal Commissioner even for a period of less than three years in the first instance which it is not possible to do under the present Regulation.

Clause 39.—Merely provides for verbal alterations.

Clause 40.—The term of office of the elected Presidents and Vice-Presidents of all Municipal Councils except the City Municipal Council is one year under the existing law. The Bill further to amend the Municipal Regulation already before the Legislative Council provides that the term should be co-extensive with their term of office as Councillors, but does not touch the case of those who were elected for a year before the Bill becomes law. This privilege may be extended to such Presidents and Vice-Presidents also.

MR. MAHOMED ABBAS KHAN observed that most of the amendments that Government had proposed in respect of the Mysore Municipal Regulation were both important and necessary but that he did not agree to three amendments which had been incorporated in addition to those suggested by the Select Committee of the Legislative Council. He therefore moved for their deletion. He took them up one by one, as suggested by the First Member of Council.

Amendment No. 1.

The first item to be deleted was the addition proposed to be made at the end of Sub-Section (1) of Section 10, *viz.*, "Provided also that the Government may direct that all the Councillors shall be elected." This in effect, the member observed, would deprive the minority communities and special interests of the privilege of representation on the Municipal Councils as such communities or interests could not expect to come into the Councils through election.

THE FIRST MEMBER OF COUNCIL replied that the clause did not make it obligatory on the part of Government to direct that all the Councillors should be elected and that the words used were "Government may direct." Besides, if minorities and special interests were constituted into distinct constituencies, then there need be no nomination. The only object of Government was that all the Councillors should come through election to make the Council really representative.

MR. MAHOMED ABBAS KHAN then said that if that were done, many of the constituencies would become communal ones; and there would be no scope for Adidravidas, for instance, who were generally backward, and illiterate and possessed no property qualifications required by the rules to return representatives to the Councils.

THE FIRST MEMBER OF COUNCIL replied that qualification was fixed only under the rules and not under the law, so that the rules could easily be changed with reference to each community or interest concerned.

MR. MAHOMED ABBAS KHAN observed that if that was the intention of Government, it might be well to grant universal suffrage, all those above 18 years of age being allowed the privilege of voting. Under the existing rules, if a Councillor was to be returned from a particular ward, all communities residing therein would elect the most suitable person irrespective of the community to which he belonged. He thought that communal elections had their

own disadvantages. Communities might send representatives through associations, who took members from the whole State. He doubted whether proper kind of people might be expected to be returned in such a provincial election. He said that it was the local people who should elect one from among themselves. There would be no guarantee that certain local interests like those of missionaries, education, trade, etc., would be safeguarded. There would also be the danger of the numerically larger communities not getting adequate representation at all. In these circumstances, he thought that the amendment was not necessary and that the present rules might continue.

MR. BELUR SRINIVASIENGAR opposed Mr. Mahomed Abbas Khan's amendment and said that he was surprised that when Government themselves came forward to grant increased privileges to the people, the latter should refuse to receive them. The underlying principle of all the local self-government measures was that the people should share more and more in the work of administration of local areas, and opposition to the proposed legislation only meant that the people did not want to exercise such a privilege. Mr. Mahomed Abbas Khan's arguments would perhaps hold good in the case of elections to the larger bodies such as the Representative Assembly, but in the case of Local Bodies whose work was confined to smaller areas, the arrangement proposed by Government was the best. After all, as was pointed out by the First Member of Council, it was only in cases of Municipalities whose constituents had given proof of ability to bear such increasing responsibilities that Government would grant the privilege; and in such cases it had to be believed that the ratepayers would use their discretion in the larger interests of the area concerned, in the exercise of their franchise. He concluded with the observation that the Assembly should be grateful to Government for coming forward to legislate as proposed.

MR. B. L. BYANNA remarked that the amendment proposed by Mr. Mahomed Abbas Khan was a retrograde step, and that it was a matter for regret that when Government themselves realized that the people were in a position to bear higher responsibilities and offered increasing privileges, the people should really hesitate to accept them. He quoted several instances of members of many backward communities having occupied seats in Municipal Councils for several years past and said that it was a misapprehension to say that only particular communities would be benefited under

the proposed arrangement. He appealed to the members not to allow communal considerations to weigh much in regard to municipal matters particularly in this model State, and he thanked the Government for the proposed addition to the clause under discussion.

At this stage MR. B. NARASINGA RAO raised a discussion as to whether discussion of particular clauses was allowable when the general principles of the Bill as a whole were not yet accepted by the House.

THE DEWAN-PRESIDENT replied that the mover of the amendment was quite in order, as he had at the outset observed that he agreed to the general principles of the Bill.

THE FIRST MEMBER OF COUNCIL then invited attention to clause (ii) of Section 11 of the Municipal Regulation, which prescribed the number to be elected by the ratepayers or by sections of inhabitants, public bodies or associations and the qualifications of candidates and voters. It was not proposed to take away the rights of minorities, etc. The wording of the clause was "may elect" which was merely permissive. He did not think that reading this clause with Section 11 (2) there would be any difficulty.

MR. NILGIRI SANJIVIAH, in opposing the amendment of Mr. Mahomed Abbas Khan, observed that the proposed addition to Sub-Section (1) of Section 10 was very beneficial to the people and that nomination helped only those that happened to be favourites with the Government officers concerned.

MR. M. S. NARASINGA RAO said that generally speaking, the really intelligent people were poor, and unless Government made any nominations, the Councils would not consist of many wise and intelligent men, because these could not possess the property qualifications. He therefore advocated the reservation of a specified number of seats to be filled by nomination.

MR. R. GOPALASWAMI IYER expressed surprise at the opinion of Mr. Mahomed Abbas Khan in regard to communal representation. He said that he (Mr. Mahomed Abbas Khan) was all along advocating communal represention as he did in the course of the discussions in the Assembly since 1919. Mr. Mahomed Abbas Khan himself had been a nominated member of the Municipal Council. Although the speaker thought that representation from communal associations was not an unmixed good, he considered that nomination should not altogether be done away with. He attributed the fact of only a few men in any given locality standing for

elections, to the present state of communal feeling, and it was just for that reason he thought that Government should reserve their right of nomination so that Government themselves might not be in a helpless position if and when they liked to nominate any particular individuals to such bodies.

MR. G. PARAMASIVIAH observed that it was only influential men that came out successful in the elections and it was necessary that Government should make some nominations to give representation to special interests. This was how in the case of the Bangalore City Municipal Council, a medical practitioner and a retired Inspector-General of Education got seats. It was not possible to have separate constituencies for either the medical practitioners or the educationists.

The FIRST MEMBER OF COUNCIL intervened and said that it was quite possible to do so; and it was also possible to prescribe one kind of qualification for a certain class of voters and a different kind of qualification for another class of voters, even in one and the same coustituency.

MR. PARAMASIVIAH replied that such small constituencies would perhaps correspond to the "pocket boroughs" of ancient England, which was not desirable. It should be open to the Government to nominate whomsoever they found useful to the public.

MR. B. NARASINGA RAO remarked that ever since the Municipal Regulation was introduced in 1906, it had undergone amendments seven or eight times, so much so that it was not easy to ascertain all the amendments that had been passed from time to time. He said that the existing Municipal Regulation was based on the Bombay City Municipal Act, and would be all right in the case of the City Municipalities. But he did not see the necessity for making the proposed legislation applicable to all the Municipalities of the State. He had no objection to Government making the Regulation as stringent as possible in the case of the two City Municipalities to which they were making large grants each year, but as regards the smaller Municipal Councils, he thought that the addition proposed by Government to Section 10 would adversely affect them. He was also of opinion that the amendments were much belated in spite of his repeated protests againsts belated amendments. He suggested that instead of pressing this amendment and also getting approval to the Bill at its third reading before the Legislative Council, the Government should drop the Bill itself and bring up fresh Regulations for the City and

Town Municipalities separately. If Government were firmly of opinion that that could not be done, then he would earnestly appeal for the addition under discussion being deleted; it was also unnecessary, in addition to being inconvenient if made generally applicable to all the Councils. Section 10 already contained the term "nominated Councillors *if any*" showing thereby that nomination was not obligatory but that Government had the right to nominate if necessary. He concluded by saying that the amendment and all the discussion on it were unnecessary.

MR. G. RAJAGOPALACHAR also approved of the clause under discussion though for different reasons. He thought that the Local Bodies did not function to the best satisfaction either of the Government or of their constituents, and if all the members thereof should come only through elections it might not be likely that many intelligent men would secure seats. He differed from Messrs. Mahomed Abbas Khan and G. Paramasiviah in the views that nominations should continue merely for the sake of protecting the interests of special or minority communities or institutions. But he liked nominations to continue more for the sake of ensuring the smooth and efficient working of Municipalities as a whole. He agreed with the opinion of Mr. M. S. Narasinga Rao that if the Councillors tried to do their duties conscientiously often times against the wishes of some of the influential people of their constituency, their chances of being elected again would be remote. In such a case, nomination would become necessary.

At this stage, THE DEWAN-PRESIDENT said that the addition to Sub-Section (1) of Section 10 would be dropped.

Amendment No. 2.

8. Alter Sub-clause (*e*) of Sub-section (2) of Section 15, add the following:—

"(*f*) fails to pay any arrears of any kind due by him to the Municipal Council within three months after a special notice in this behalf has been served upon him."

The second amendment of Mr. Mahomed Abbas Khan related to clause (*f*) of Sub-clause (*e*) of Sub-Section (2) of Section 15. But as the member began to explain his amendment, THE DEWAN-PRESIDENT observed that it was a matter of detail and ought properly to be discussed at the Legislative Council.

The amendment was therefore not discussed but reserved for consideration in the Legislative Council.

The third and last amendment was in respect of item 25 in the Bill. MR. MAHOMED ABBAS KHAN invited attention ot the new section proposed to be added after Section 50 in respect of certain powers of Civil Courts which could be taken by the Deputy Commissioner of a district or even by an Assistant Commissioner, and observed that it was not clear from the section as proposed as to what particular kind of cases in which the Deputy or Assistant Commissioner could so interfere and take powers of a Civil Court. The proper course in such cases was for the aggrieved party to go to the Civil Court and establish his own claim. The member also objected to the inclusion of the proposed section for the reason that after one year from the date of decision the party had not even the opportunity to go in appeal to the appellate authority.

25. After Section 50, insert the following section, *viz.*:—

"50A. (1) In any Municipal Council to which a survey of lands, other than lands ordinarily used for the purposes of agriculture only, has been or shall be extended under any law for the time being in force, where any property or any right in or over any property is claimed by or on behalf of the Municipal Council or by a person as against the Municipal Council it shall be lawful for the Deputy Commissioner after formal enquiry, of which due notice has been given, to pass an order deciding the claim.

(2) Any suit instituted in any Civil Court after the expiration of one year from the date of any order passed by the Deputy Commissioner under Sub-section (1) or, if one or more appeals have been made against such order within the period of limitation, then from the date of any order passed by the final apellate authority, as determined according to the Mysore Land Revenue Code, Section 210, shall be dismissed (although limitation has not been set up as a defence) if the relief claimed is inconsistent with such order; provided that the plaintiff has had due notice of such order.

(3) (*a*) The powers conferred by this section on a Deputy Commissioner may also be exercised by an Assistant Commissioner or by a Survey Officer as defined in the Mysore Land Revenue Code.

(*b*) The formal enquiry referred to in this section shall be conducted in accordance with the provisions of the aforesaid Code.

(*c*) Any person shall be deemed to have had due notice of an enquiry or order under this section if notice thereof has been given in accordance with rules made in this behalf by the Government."

At this stage THE DEWAN-PRESIDENT said that this clause would be dropped from the Bill.

MR. RANGARAJIAH brought to notice that under Section 26, the Municipalities were empowered to raise the taxes on the items specified in the schedule of octroi rates with a view to augment their revenues. This in effect amounted to fresh taxation and as such ought to be passed only by the

Legislative Council. He therefore suggested the insertion of a suitable clause to empower Municipalities to augment their resources, without coming to the Legislative Council.

THE FIRST MEMBER OF COUNCIL replied that the question could be considered in the Legislative Council.

MR. ANANTHIAH said that the word "may" in Clause 14 might be substituted by "shall." He also thought that the Second Meeting provided therein for the purpose of the confirmation of the resolution was unnecessary.

THE DEWAN-PRESIDENT replied that all these were matters of detail and could well be decided in the Legislative Council.

Referring to Clause 22 of the Bill, MR. G. RAJAGOPALACHAR observed that the safest way to avoid the difficulty would be to see that no notice was served. If such a thing were done, he did not see the necessity for the clause.

THE DEWAN-PRESIDENT replied that this was a matter for the Legislative Council to consider.

MR. B. SRINIVASIENGAR of Anekal observed that the Bombay Act gave power to sell immovable property for the realisation of Municipal taxes, and that the same power might be reserved for Municipalities under the Regulation.

THE FIRST MEMBER OF COUNCIL replied that that question was fully discussed in the Legislative Council and found to be impracticable.

MR. B. NARASINGA RAO brought to notice that the system of issuing licenses for rearing milch cattle and selling milk in municipal areas would work as a great hardship in the case of the town municipalities, however well they might work in big cities like Bombay and Calcutta.

THE FIRST MEMBER OF COUNCIL promised to notice the matter for the consideration of the Select Committee.

As regards the proportion of the members required to be present at a meeting convened to pass a resolution to remove a President or a Vice-President, MR. B. L. BYANNA suggested that one-half be fixed in place of three-fourths as at present proposed.

THE FIRST MEMBER OF COUNCIL promised to consider the suggestion.

MR. M. RAMASWAMY observed that experienced persons were not easily available to take the place of Vice-Presidents of minor Municipalities and so it was desirable that their period of office should be fixed at three years instead of only one year as now. At the same time he suggested annual elections in the case of Vice-Presidents of Town Municipalities.

THE FIRST MEMBER OF COUNCIL promised to note the suggestion for the consideration of the Legislative Council.

Discussions on the budget were taken up at this stage.

MR. MAHOMED ABBAS KHAN, in opening the discussions on the budget, expressed gratification that the budget estimates for the year 1926-27 were not only balanced but also showed a surplus of about Rs. 50,000. It was also a matter for satisfaction that though the revenue anticipated under the Civil and Military Station Surplus, cotton duty, electrical works, and excise sales, was less than in previous years, yet the allotment for works of public utility was much more during the budget year. A sum of Rs. 4,20,000 was allotted for water-supply to Bangalore and Mysore Cities and of Rs. 1,00,000 under Economic Development. It was also gratifying to see that for village improvement work, for which the grants in previous years were too inadequate, a liberal grant of Rs. 1,30,000 had been provided. It might be argued that the position was not in reality one of surplus because of the fact that the reserves were proposed to be drawn upon. To this he would reply that this was not the first occasion when such a procedure was resorted to, and during previous years several lakhs of rupees were withdrawn from such reserves, while in the budget year the amount proposed to be drawn upon was only Rs. 8 lakhs. There was one thing, however, which he deplored, *viz.*, the withdrawal of about Rs. 3 lakhs from the Famine Insurance Fund to meet current expenditure.

THE DEWAN pointed out that the fund was not drawn upon but only a part of the interest thereon and that was for expenditure on repairs to and restoration of tanks; which was also a form of famine insurance.

MR. MAHOMED ABBAS KHAN replied that he had no objection to the procedure if at least an assurance was given that it would not be repeated in future years. He was afraid, however, that it looked to him from the Financial Secretary's Memorandum accompanying the budget estimates as though this procedure would be resorted to in future years also.

MR. MAHOMED ABBAS KHAN then recapitulated the history of the formation of the Famine Insurance Fund and said that it was the idea in previous years to transfer more money to the fund. Within the past few years, however, repeated suggestions from members of the Assembly to add to the fund were not viewed with favour. He added that even the Sinking Fund had been drawn upon in some

years for current expenditure, to which the Second Member of Council replied that such a thing was never done.

MR. MAHOMED ABBAS KHAN thereupon earnestly requested that the policy of drawing upon the Famine Insurance Fund to balance the budget should be reconsidered. He thought that the Famine Insurance Fund and interest therefrom should always be held in liquid and readily realizable form.

As regards the grant of Rs. 5,88,000 under Irrigation, the establishment charges and allotment for the Bhadra Anikat alone took away about Rs. 2,62,000, and for repairs to tanks a sum of about a lakh of rupees would be required. Out of the remaining amount, about Rs. 1¼ lakhs had been allotted for the restoration of the 14,000 minor tanks in the State, which was too inadequate. Government had formed a Special Tank Survey Division and also appointed an Engineer Officer to be in charge thereof, but there was little use of all that unless suitable funds were made available for the work. It was true that from current revenues the money required could not be made available under this head, but all the same the work had to be attended to. Formerly, the State was not only producing all the paddy required for local consumption but was also exporting in large quantities. At the present time it had to depend largely on imports. In these circumstances it was a welcome feature that Government proposed to raise a Conversion Loan by which not only the restoration of minor tanks would be rendered possible but several other works of public utility could be taken up.

The total grant under Medical was about Rs. 10¾ lakhs, of which that for Local Fund Dispensaries was only Rs. 1,60,000. If this was rateably distributed among all the 200 Local Fund Dispensaries the amount for each dispensary would work out at about Rs. 800, which was too small. He further observed that the amount spent on Local Fund Dispensaries was about as much as that spent on one hospital, *viz.*, the Victoria Hospital at Bangalore. Although he did not object to such expenditure, he thought that adequate provision was necessary for village dispensaries serving a very large rural population.

THE SECOND MEMBER OF COUNCIL pointed out that the amount referred to by the member was only on account of establishment charges but that the total grant for Local Fund Dispensaries was Rs. 3¾ lakhs.

MR. MAHOMED ABBAS KHAN replied that Rs. 3¾ lakhs referred to, included Local Fund contribution which was an

uncertain factor. If for any reason, the Local Funds could not contribute the required sum, medical convenience to the people would suffer. He was therefore of opinion that the policy of depending upon contributions from Local Bodies for medical aid should be given up, so that dispensaries might be freely opened and worked whether or not the Local Bodies paid the contributions.

As regards the grant for the Bangalore Water Supply the member stated that ever since the Hessarghatta Pumping Station was opened the charges on account of the Water Supply were being borne by Government, after deducting the contribution from the Municipality. In the budget under discussion no expenditure from Government Funds was provided for under this head but the grant to the Municipality alone was indicated. It was to be regretted that such a procedure was adopted at a time when the tank had completely dried up and when the matter deserved the utmost sympathy at the hands of the Government, as no further taxation for the purpose could be thought of.

THE SECOND MEMBER OF COUNCIL asked whether the City Municipality had not levied any additional taxation for the purpose, and the speaker replied that the income from this source amounted only to about Rs. 25,000 while the amount required for the special work was as much as Rs. 2¼ lakhs. The Municipality had to spend over Rs. 40,000 for wells alone, but the Government had sanctioned an expenditure of only Rs. 30,000 and refused to pay the balance of Rs. 10,000.

The allotment for the improvement of the city of Bangalore was only Rs. 20,000. The average revenue under the Assigned Tract Surplus was Rs. 4 lakhs and in some years even more. This was contributed in no small measure by the Bangalore City under Excise, Income-Tax, etc., and the city had a legitimate claim for a share of that surplus revenue, if not the whole of it. The special importance of the city was beyond question and it was up to the Government to do all that was possible to improve and beautify it. In the Civil and Military Station, the Municipality had spent lots of money in these directions and had paid special attention to the sanitation of the Tract. It was in view of all these facts that the Special Finance Committee had recommended the grant of at least Rs. 50,000 to the Bangalore City from out of the Surplus Revenues of the Civil and Military Station. The member earnestly prayed that this suggestion should be given effect to every year,

though it might not be possible to ear-mark the whole of that revenue for the benefit of the city, and concluded with the hope that Government would strive to the utmost to bring the city in a line with the adjoining tract of the Civil and Military Station.

MR. M. S. NARASINGA RAO thought that the budget was not satisfactory from the point of view of the poor. In pleading the cause of the menial servants of Government he pointed out that it was a surprise to find peons being paid in the present day Rs. 8 to 10 per mensem. Last year also he made a similar representation in the Assembly and though it was boring to repeat it year after year he did so in view of the justice of the cause. He appealed to Government to consider how it was possible for a soul to get on in the cities of Bangalore and Mysore without even Rs. 15 a month. Referring to the case of Police Constables, he considered that they should get at least Rs. 15 to Rs. 20 in headquarter towns, though in villages their pay might be fixed on a lower scale. Unless their pay was increased, it was impossible to stop the corruption that was prevalent in this service.

He complained against the policy of recruiting raw graduates to the Amildari service. In his opinion, they were all incapable men. He therefore pleaded for the appointment of experienced and really capable and upright men as Amildars. He requested that the practice of obtaining free supplies on the part of Amildars and higher officers of Government should be put a stop to with a high hand. He drew the attention of Government to the several allegations brought against certain Amildars and other officers and prayed that drastic action should be taken to put down corruption.

MESSRS. B. NARASINGA RAO and C. SUBBA RAO took exception to such off-hand remarks made by Mr. M. S. Narasinga Rao and observed that those allegations could not be applied to the generality of officers.

Referring to the anticipated revenue under Excise, MR. M. S. NARASINGA RAO pointed out that the condition of the depressed classes could not be improved till the excise revenue was considerably cut down. He observed that the system of knocking down the arrack shops to the highest bidder wrought the ruin of many a contractor. He said that even when a shop was knocked down, in the auction, the department kept the bid open until some other contractor offered a better bid. He was of opinion that this practice should be discouraged as much as possible.

Referring to the activities of the Education Department, he was of opinion that the problem of educating the masses could not be solved so long as the medium of instruction in our schools was not changed. He, however, would not advocate the total abolition of the English language from our curricula. What he wanted was that the medium of instruction in the lower classes should be through the vernacular which alone would achieve real progress and culture on the part of the pupils. He instanced the case of certain western countries to prove his statement. He emphasized the need for scientific books being translated from English into Kannada. He pointed out that a very large sum of money went out of the country in the shape of the price of books written in a foreign language, adopted in our schools, and that it was a great economic problem which the Government should solve forthwith by encouraging authors to write books in Kannada for our schools. For this purpose, he suggested that the grant under "Encouragement to authors" should be enhanced to Rs. 25,000. He deplored the paucity of schools in villages and thought that even villages with 50 houses should be provided with separate schools, with at least one teacher in each.

He pointed out that the University Professors were given needlessly high salaries and that it should be possible to reduce this expenditure if highly qualified local people were employed who could be got on a smaller pay.

MR. S. C. MALLIAH said that it was gratifying to find from the Explanatory Memorandum by the Financial Secretary that a loss of nearly Rs. 8 lakhs on the Iron Works was adjusted in the last year's accounts and that in the current year it would not exceed Rs. 2 lakhs. He hoped that there would be no room to write off such losses in the coming years.

In supporting the views of Mr. Mahomed Abbas Khan *re* the restoration of major and minor tanks, he observed that there were 20,000 tanks in Mysore which irrigated lands to the extent of 5 lakhs of acres which brought in a revenue of over Rs. 30½ lakhs. He was sorry to note that about 13,000 tanks were in disrepair and nearly 300 tanks had been breached. These tanks were the mainstay of the agriculturist and were essential for affording drinking water for men and cattle. He complained that the breached tanks had not been repaired for years and in addition to Government losing large revenue, the raiyats could not raise crops. It was therefore incumbent on Government to see that such

tanks were at least repaired, but the allotment made for the purpose, *viz.*, Rs. 1,20,000 was hardly sufficient. He requested that the repair and restoration of tanks should be taken in hand without loss of time and that the allotment should be appreciably enhanced.

As regards Education, he considered that the grant of Rs. 16 lakhs for Primary Education was inadequate. The people were eager to educate their children. The villagers were not only ready to come forward with their liberal contributions towards opening schools, etc., but had agreed to the levy of an Education Cess. It was unfortunate that even in cess areas with a population of 500, no schools had been opened. As literacy in rural parts was very deficient, he appealed for the introduction of the Compulsory Education Scheme into every village, seeing that more than 85 per cent of the total population resided in rural parts.

THE SECOND MEMBER OF COUNCIL pointed out that it was not quite correct to say that the grant for Primary Education was only Rs. 16 lakhs, but that including the amount spent on Special Communities' Education, etc., which also was of the primary grade, the total would come to Rs. 25 lakhs.

MR. S. C. MALLIAH observed that it would be an anomaly to call Mysore a model State with 85 per cent of its population residing in 20,000 villages remaining illiterate.

THE DEWAN-PRESIDENT observed that it was not merely the financial difficulty but an administrative difficulty in finding trained teachers.

MR. S. C. MALLIAH thanked the Government for making an extra grant of Rs. 5,000 in addition to the usual allotment of Rs. 1 lakh for backward class scholarships.

In doing so, he added that owing to famine conditions, the people in the rural areas were very much impoverished and could not afford to meet the cost of High School Education. The well-to-do people did not very much care to give English education to their children and it was the middle and poor classes that looked for financial help.

Several representations were made in this Assembly last year for the enhancement of the backward class scholarships grant to Rs. 2 lakhs. Several Associations had passed resolutions to this effect, and submitted representations to Government. Under the present conditions only one-sixth of the students went to the High School classes, with scholarships while the remainder kept back on account of

poverty. They had no scope of prosecuting their studies unless they were given scholarships. He, therefore, appealed to Government to sanction an extra grant of one lakh under this head.

From the figures furnished by the Associations, it was seen that only 2,000 out of the 4,000 pupils that passed the Lower Secondary Examination had joined the High School classes. This proved clearly that the encouragement shown by Government to these pupils was quite inadequate. He, therefore, requested the Government to kindly enhance the scholarship grant and afford further scope for the education of these backward class pupils.

MR. MALLIAH was thankful to Government for making a special allotment of Rs. 50,000 for drinking water facilities in villages. He thought that it was quite inadequate for 20,000 villages.

Seeing that as much as Rs. 4½ lakhs had been provided for water supply to the two cities, he thought that Government ought to show better consideration to rural parts by sanctioning an equivalent amount for rural water supply. What was wanted was not the laying out of water pipes in the moffusil but merely sinking of wells. Owing to the scarcity of water all round, wells measuring 40 to 50 feet in depth had to be sunk. Every Deputy Commissioner, without exception, had replied, when questioned, that the grants sanctioned hitherto were quite inadequate. He considered that it was the bounden duty of Government to make adequate provision for this important item just as they had done in the case of Bangalore and Mysore Cities.

Speaking of the Medical Department, the member observed that the allotment was very small as already explained by Mr. Mahomed Abbas Khan. Only 150 midwives had been proposed to be appointed during the coming year in a State consisting of 20,000 villages. In view of the increasing infant mortality in the rural parts, he prayed for increasing the allotment with a view to employ midwives more largely. At present no hospital facilities were available even in villages with a population of 1,000. He knew of cases where people had to walk a distance of 8 miles in search of medical aid. Even then there was no guarantee that hospitals were equipped properly with the requisite medicines. Most of the hospitals in the interior were ill-equipped. He therefore emphasized strongly the need for an increased grant under this head, both for increased medical aid and for the appointment of midwives.

Referring to the Sericultural Department, MR. MALLIAH observed that there was a general feeling against the retention of the present Superintendent who was a Revenue Officer on a pay of Rs. 800 per month. He could not be called a Specialist in silk rearing, etc. He did not see the need for keeping on this officer at a cost of Rs. 9,600 per annum when there were two specially trained men there already. When this question was brought up on a previous occasion, Government replied that his continuance in the Department was necessary as it was under contemplation to open a Silk Filature Farm. The member doubted whether any such farms were opened since. He was of opinion that there was no longer any need for such a costly Revenue Officer in this Department, and he could be transferred to a different post with advantage.

As regards the restoration of minor tanks, *e.g.*, the Maddur-Kere, he said that it was constructed 30 years back and the original idea was to irrigate 1,500 acres and the wet assessment expected thereon was Rs. 30,000. Several representations had been sent up to Government to put on hand the work of its restoration and a deputation also waited upon the previous Dewan who ordered the Chief Engineer to inspect and report upon it. But nothing seemed to have been done ever since. Government lost Rs. 15,000 last year under wet assessment in this area. If this amount had been spent on its restoration, the people would have been benefited immensely.

Referring to the Registration Department, the member drew the attention of Government to corruption rampant in the Sub-Registrars' Offices. When a reference was made to this delicate problem by a previous speaker some of the members coming from the cities took exception to it. As a member coming from the interior, he said that there was daylight robbery going on in the Sub-Registrars' Offices in some places. He requested that higher officers should put a stop to such irregularities by paying surprise visits to such offices with a view to set right matters. The member added that he was quite prepared to co-operate with the officers as suggested by the Dewan in his Opening Address to the Assembly.

MR. SHAMA SASTRY (Maddagiri) said that he did not want to offer any remarks on the general policy or principle adopted by Government in framing the budget but that he would only make certain representations.

He contrasted the present condition of Maddagiri with

its former position when it was highly fertile and prayed the Dewan to order an investigation into the cause of its present deterioration. He represented that there was a general paucity of water in the Sub-Division and said that the project of constructing an anicut across the Tumbadi halla might be sanctioned.

Referring to the educational activities of the department, he pointed out that Government had given them extra educational facilities by opening additional Middle Schools but it was a pity that facilities for higher education had not been provided at Maddagiri. The people had been petitioning the Government since the time of Sir M. Visvesvaraya to sanction the opening of a High School there but Government were merely holding out hopes year after year without ever fulfilling them. Towns like Tiptur, Nanjangud, Davangere, Thirthalli, etc., which applied for a High School subsequently had been favoured by Government. The people were prepared to give immediately a contribution of Rs. 10,000 towards the cost of the building. He added that on a special representation made by him to the District Board, the latter had promised to contribute Rs. 2,500 as their quota.

It was ascertained from the Inspector-General of Education that the opening of High School classes would involve an expenditure of Rs. 50,000 non-recurring, and Rs. 8,000 recurring, and that there was no chance of sanctioning the scheme during the ensuing year. He requested the Dewan at least to order the opening of the IV Form during the coming year and enable the member to realise his ambition cherished by him for years past. The opening of a single class would not be so costly. He also undertook to find suitable accommodation for locating the class till a separate building was constructed.

He also added that it was possible to induce the people to increase the contribution to Rs. 15,000 in case immediate sanction to the opening of the High School was accorded.

THE DEWAN-PRESIDENT replied that his request would be considered and a definite reply given in 2 or 3 days.

MR. SINGRI NANJAPPA supported Mr. Shama Sastry, and represented that a High School for Maddagiri was an urgent necessity. He suggested that funds could be found from the savings effected by abolishing the Engineering Section attached to the Education Department, which was a superfluity. He also considered that it was possible to effect some savings by reducing the number of Inspecting Officers.

He added that it was necessary to push through the work of High Level Channels of the Krishnarajasagara as that would bring in extra revenue by way of wet assessment. Even if there was a paucity of local coolies, men might be got down from Bombay side. He commended the policy of raising a State Loan to meet Capital Expenditure and said that until such time it was possible to find contractors from outside who would be prepared to advance the capital required for such undertakings. He disapproved of the idea of spending extra money on establishment charges and wanted to invest large sums on capital works which were sure to bring in adequate returns. He pointed out that there was ample scope for retrenchment in the Survey Department, as no re-survey operations were under contemplation in the near future. In his opinion, the Revenue Commissioner's Office might be totally done away with and the functions reassigned to one of the Members of Council with a Revenue Board. The posts of the Excise and Income-tax Commissioners might also be similarly retrenched, and their work entrusted to some other officer.

MR. MAYE GOWDA (T.-Narsipur) complained that no provision had been made in the budget for repairing the T.-Narsipur bridge even though Government had promised to do so when this subject was brought up during the last session. The District Board had provided Rs. 50,000 in the last year's budget but since Government did not contribute their share of the expenditure, nothing was done. He requested that even though it was not possible for Government to allot Rs. 50,000 during the ensuing year, a portion of this amount at least might be provided for in the budget.

THE DEWAN-PRESIDENT replied that the estimate and plan were under preparation and that further action would be taken on their receipt from the Chief Engineer.

MR. MAYE GOWDA represented that several tanks in his district were in utter disrepair and that the provision made in the budget for this purpose was very meagre. If Government did not give their *hisse*, progress was sure to be retarded and the raiyats handicapped. He prayed that wherever the villagers' share of the contribution had been paid, Government might order the work to be taken up during the ensuing year.

MR. RANGARAJIAH represented that the provision made for Primary Education should be increased as it was essential that a larger number of Primary Schools should be opened if the condition of the masses should be improved. In the

Dewan's Address, it was said that only 156 new schools would be opened during the year which was quite inadequate. He pointed out that it was high time that the lot of the Primary grade teachers was improved. There were 997 teachers on a pay of Rs. 15 and 1,096 on Rs. 12. It is humanly impossible for them to live on such meagre allowances in far-off places. If their minimum salaries were fixed at Rs. 20, it would involve only an additional expenditure of Rs. 4 lakhs which could be met from the savings effected by abolishing the Engineering Section attached to the Education Department and other retrenchment measures. When there was a separate Public Works Department, the Engineering work pertaining to the Education Department could be easily entrusted to the former. This retrenchment was essential in the interest of economy as well as efficiency. He did not favour the idea of spending money on University Education to the detriment of Primary Education.

He suggested that the receipts under Income-tex Department might be improved by assessing all people in receipt of an income of Rs. 2,000 per annum instead of Rs. 2,400 as at present.

He considered it possible to effect large savings in the Co-operative Department by placing the department under the control of the Director of Industries and Commerce. All the Co-operative Societies in the district might be placed under the direct control of the Deputy Commissioners subject to the final control of the Director of Industries and Commerce. The post of Assistant Registrar might also be done away with. The savings thus effected might go to enhance the grant for Primary Education to Rs. 25 lakhs.

THE SECOND MEMBER OF COUNCIL observed that the allotment for Primary Education would come up to that figure, including the grant for Special Communities' Education.

THE DEWAN-PRESIDENT said that it was not possible to give any additional grant for Primary Education and that it could be increased only gradually.

MR. RANGARAJIAH represented that better provision should be made for medical aid in rural parts. As an instance in point, he said that there was not even a single hospital between Hassan and Arsikere over a distance of 30 miles. He requested that a dispensary might be opened at Grama immediately.

THE SECOND MEMBER OF COUNCIL replied that Rs. 5,000 had been provided in the next year's budget for opening new dispensaries as the Government's share and an equal sum would be contributed by the District Boards.

MR. APPAJI GOWDA (Channapatna) mentioned that the High School at Channapatna was in an efficient condition and that it might be developed into an Intermediate college in view of the facilities existing there by way of hostels. He also reported that the work of constructing a Town Hall at Channapatna was retarded owing to the want of interest displayed by the local authorities and prayed that prompt orders might issue for its execution.

THE DEWAN-PRESIDENT replied that the matter would be enquired into.

MR. RANGARAJIAH (Mudugere) pointed out that only an allotment of Rs. 550 was made for scholarships to the pupils of the Polleger community and it was quite inadequate to meet the needs of the community. He prayed that it might be increased to Rs. 2,000. It was unjust that while every other Backward Class community got its full share of attention, nothing had been done to uplift the pupils of his community.

MR. VENKATAPPA GOWDA (Thirthahalli) represented that two arches of the Nalur Bridge, 2 miles from Megarvalli, on the Shimoga-Mangalore Road had come down. People going to Mangalore *via* Agumbe had necessarily to pass over this bridge. This was a provincial road with busy traffic. The toll-gate which used to fetch annually Rs. 5,000 had to be auctioned for Rs. 2,000 last year owing to the disrepair of the bridge which resulted in a sudden falling off in traffic. A sum of Rs. 5,000 had been provided some three years back for its repair but the work was not undertaken.

THE DEWAN-PRESIDENT promised to make enquiries into the matter.

MESSRS. HANUMANTHA SETTY and RAJAGOPALA MUDALIAR of Hunsur requested that the breach in the Irrigi Tank in the Hunsur Taluk might be set right during the ensuing year. He said that the tank had been in disrepair for 10 years past, a sum of Rs. 20,000 had been sanctioned for the repair of the sluice, that no continuous work had been done on it and that unless some money was sanctioned for the work during the next year all the expenditure in the past would go to waste. He added that the atchkat of the tank was 500 acres and that the raiyats were prepared to pay contribution.

THE DEWAN promised to enquire into the matter.

MR. HAMPIAH of Sidlaghatta pointed out that the Amani Ammankere at Sidlaghatta was in utter disrepair for

the past several years and that the town and the villages round about were suffering for want of water. When His Highness the Maharaja was pleased to visit the place in the year 1918, the tank was quite dry and His Highness was graciously pleased to order the Chief Engineer to set right the defects early. An assessment of Rs. 2,000 could be raised on its atchkat. It would also help to advance the silk industry in Sidlaghatta. The raiyats had agreed to pay one-fourth of the cost as their contribution.

Referring to the criticisms of certain previous speakers on the present incumbent as the Superintendent of Sericulture, Mr. Hampiah said that there was need for an administrative officer to preside over this department. He said that ever since the present officer became the Superintendent, the revenue of the department had increased vastly. There was ample scope for further development of the activities of the department and it was under contemplation to organize a Sericultural Co-operative Society to raise loans for the improvement of the industry, etc. For all these purposes, an experienced Revenue Officer's services were necessary. No Sericultural Expert could attend to this work successfully. They could be depended upon only for the technical portion of the work.

MR. K. SURYANARAYANA RAO (Tumkur) represented that the work of repairing the Mavatur tank at Koratagere should be sanctioned at once. There were channels to a distance of 8 miles on either side but they were all silted up. For want of water supply, there was a miserable failure of crops during the past few years. It could be repaired at a cost of Rs. 5,000 or Rs. 6,000 and by extending the channels to a distance of another 5 miles, a revenue of Rs. 30,000 might be collected. When the question of repairing the tank was referred to the Engineering Department, they referred the raiyats to the Revenue Department and *vice versa*. He thought it necessary to appoint a special Overseer to execute this urgent work.

THE DEPUTY COMMISSIONER, Tumkur District, replied that the removal of silt had already been undertaken.

Regarding the restoration of minor tanks he observed that Government had recovered the raiyats' share of the contribution in several cases, but no work had been done. He considered that more attention should be devoted to the restoration of major tanks in preference to minor tanks.

MR. K. SURYANARAYANA RAO also pointed out the need for opening more dispensaries in his district, especially as

the people did not grudge to pay their contributions. There was not a single hospital on road from Tumkur to Dodballapur, a distance of 60 miles or so. He also advocated the employment of midwives in rural dispensaries.

At this stage, the House adjourned for lunch and reassembled at 3-30 P.M.

MR. PATTI BASAPPA represented that the bridge at 161st mile on the Bangalore-Bellary Road which had been washed away some fifteen years back had not yet been repaired and that there had been much inconvenience felt by the travelling public. Some time back, attempts were made to pave the portion of the road in the river bed with stone slabs, but that proved fruitless. There was heavy traffic on the road. A toll gate had been opened and motor cess was also levied. It was therefore necessary that the bridge should be rebuilt.

Besides, a sum of Rs. 15,000 had already been spent on the bridge and if it was not rebuilt, the money so far spent on it would be wasted.

He requested that bridge be repaired as early as possible, and that funds be provided in the budget for commencing the work at once.

THE DEWAN-PRESIDENT promised to see what could be done.

The member also requested that the Siddapur Tank in the Molakalmuru Taluk, which was situated on the borders of the Madras Presidency might be restored as early as possible. He was of opinion that if the tank was restored, the people would get much relief and that the Government might levy wet assessment on lands from which they were unable to get even the dry rate of assessment.

MR. H. N. RAGHAVENDRA RAO represented that the Hunsur Municipality had been pressing for some years past for improved water supply, and that nothing tangible had been done in that direction. He said that the Municipality were prepared to contribute a sum of Rs. 3,000 in addition to Rs. 20,000 contributed by District Board for the purpose and requested that the Government should pay their quota and complete the scheme. For want of water, many kinds of epidemic diseases were prevalent in the place and the sooner good water supply was provided the better.

THE DEWAN-PRESIDENT observed that the estimate for the project was under preparation.

The member also requested that the Uddur Channel and branch channels breached on account of floods should be

repaired as soon as possible. The amount provided was very inadequate and included the pay of the sowdies. If the Uddur Channel was repaired Government would get an assessment of Rs. 10,000.

The next representation made by the member was that the raiyats should be protected from the ravages of the elephants that came in herds and devastated their crops. He said that many representations had been sent to Government as well as to His Highness and that no action had been taken as yet.

THE CONSERVATOR OF FORESTS suggested that a watch might be kept and whenever the herds came down, they might be driven back.

The member replied that such a course was adopted and given up as impracticable.

THE CONSERVATOR OF FORESTS said that if a few elephants were trapped by means of the pit system, they would be scared away and that he would help the raiyats in that direction.

THE DEWAN-PRESIDENT promised to note the question of water-supply to Hunsur Town and that steps would be taken to repair the channels as early as possible.

MR. KESAVIAH pointed out that no provision had been made in the budget for the Chikmagalur-Kadur Railway. That was a long pending question and the Government sanctioned the project only last year. The work had to be undertaken at once. If the Government had no money to provide for the work during the next budget year, they might utilise the money reserved by the District Board for the purpose and commence the work at once.

THE DEWAN-PRESIDENT said that the line must first be surveyed.

The member pointed that only a portion of the line had to be surveyed and that should not delay the commencement of the work.

He also represented that the system of drainage in Chickmagalur was anything but satisfactory and required improvement at once. Owing to the bad sanitary condition, epidemic diseases were prevalent. An estimate prepared some time back was considered to be very high, and was undergoing revision by the Chief Engineer. The original estimate for the scheme was for Rs. 5 lakhs and the Chief Engineer had been requested to reduce it to Rs. 3 lakhs. He requested that out of the sum of Rs. 2½ lakhs provided in the budget for malnad improvement a sum of Rs. 20,000

might be set apart every year for this purpose. He also requested that a similar amount might be provided in the next year's budget.

He also mentioned that none of the Primary Schools had good buildings, that 2 to 3 hundred boys were huddled together in huts and that in the interest of the health of the young boys, suitable buildings might be provided at once for the Primary Schools.

He also brought to the notice of the Government, that one of the Middle Schools started at Chikmagalur by private enterprise in 1921 had been doing very good work and required encouragement by way of some grant. The Lower Secondary Examination results in that school had been very good. Out of the 21 boys that appeared for the Lower Secondary Examination last year 18 came out successful and of them one passed in first class. The institution asked for a grant last year, but the Government replied that on the receipt of certain information asked for the matter would be considered. Boys of all communities were admitted to the school and it had been doing very good work. He requested that a grant-in-aid might be sanctioned to the institution.

He also urged the necessity for converting the High School at Chikmagalur into a Collegiate High School in view of the fact that the place was equi-distant from Hassan, Kadur and Shimoga and that there were three hostels.

Mr. G. K. Narayan Rao represented that there were seven anicuts in the Kushavati River built years back at a cost of some 30 or 40 lakhs of rupees and that all of them had been washed away, and that no repairs had been undertaken. Last year, on a representation brought up by him the P.W. Secretary said that the matter would be enquired into and the needful done. But nothing had been done so far. He requested that a sum of Rs. 5,000 might be set apart every year for the purpose of restoring the anicuts. He also brought to the notice of the House that an in-patient ward was absolutely necessary in the Gudibanda Dispensary and that he had made representations to His Highness also in that behalf. As the Municipality was very poor, it could not undertake the work itself. He appealed to the Government to sanction funds for the construction of an in-patient ward with accommodation for at least two beds.

He also brought to the notice of the House that the people of Gudibanda had been suffering very badly on account of water scarcity, that the Deputy Commissioner had helped them with a sum of Rs. 500, which was quite

insufficient and requested that a sum of Rs. 1,000 might be sanctioned by the Government, for sinking drinking water wells.

MR. SANGANABASAPPA of Shikarpur stated that the Bandankere Tank near Narasipur, Shikarpur Taluk, had not been restored, that the raiyats holding lands below the tank had not been paying *kandayam* for the last three years and that in the interests of both the people and the revenue to the Government, the tank might be restored as early as possible.

THE DEWAN-PRESIDENT replied that after the completion of the Anjanapur Project, this question might be considered.

MR. BABA SAHIB of Tarikere represented that much difficulty was being experienced in Tarikere Town for want of good water supply. The Municipality was very poor and could not meet the entire expenditure on the scheme. He represented that the Municipality had a sum of Rs. 72,000 out of which they would contribute a part and requested that the Government should make up the difference and complete the project. He was not for borrowing any money for that purpose, as the Municipality was not in a position to repay the debt.

MR. GURULINGAPPA of Nyamati represented that the Sowlanga Tank, which was slowly getting silted up might be improved by removing the silt.

He also represented that the left bank channel on the Bhadra might be opened up as soon as possible. The right bank channel was opened by His Highness only a few days back and the raiyats on the left bank who had been paying *kandayam* for the last five or six years, were not at all benefited to any extent. So the left bank channel also might be opened soon. In order to find the necessary funds for the work he said that the Engineering Establishment attached to the Education Department might be abolished and the construction of school buildings transferred to the Public Works Department.

THE DEWAN-PRESIDENT replied that the matter was under consideration.

Referring to minor municipalities, the member pointed out that no grants whatever had been sanctioned to improve them. The sanitary condition of the minor Municipalities was far from satisfactory. A sum of Rs. 5,000 might be set apart for every minor Municipality for improvement purposes. He appealed to the Government to consider this point.

He also requested that a bridge might be constructed on the river near Holehonnur for the convenience of the travelling public as during certain seasons of the year, the river being deep, travelling was very difficult and dangerous.

He urged that arrangements might be made to open Telegraph Offices in all taluks, as was contemplated by Sir M. Visvesvaraya.

THE CHIEF SECRETARY replied that the subject was under correspondence with the Government of India.

MR. ANNEGOWDA represented that the construction of high level channels of the Krishnarajasagara might be undertaken at once.

MR. VENKATRAMIAH represented that if the Ibbaganahalli Tank in the Goribidnur Taluk were restored, not only would there be enough water for raising crops, but the wells in the place might get some water and requested that the restoration work might be undertaken as early as possible, as the people had been badly suffering for want of water.

MR. GURUSWAMI GOWDA represented that the amount provided for village improvement works was quite inadequate. The amount provided in the budget for this purpose, for the whole State was Rs. 1,30,000 while each one of the cities of Mysore and Bangalore got similar sums for improvements. There were 16,000 villages in the State and the amount provided, if distributed equally, would give a sum of Rs. 8-4-0 to each village.

It was the raiyats that gave the Government an income of nearly 1¼ crores by way of land revenue and Government should help them in improving their villages and conditions of life. He therefore appealed for more grants for village improvement works.

Coming to the minor tanks, he stated that there were nearly 14,000 tanks and the amount provided in the budget for their improvement, *viz.*, Rs. 1,25,000, was quite inadequate as each tank would get Rs. 8 if the whole amount was divided equally among the several tanks. Crores of rupees were being spent on the Krishnarajasagara Project which benefited only a part of the State. He did not raise any objection to the Government spending such large sums of money on the Krishnarajasagara Project. His contention was that the minor tanks all over the State might also receive the necessary attention so that every part of the State might be equally benefited. He therefore represented that the grant sanctioned for the purpose was quite inadequate and appealed for increased grants.

THE DEWAN-PRESIDENT replied that restoration work would not be taken up all at once and that it should be done gradually.

MR. GURUSWAMI GOWDA then said that the posts of Excise Assistant Inspectors were superfluous and that they might be abolished, and that the powers vested in them might with advantage be transferred to either the Police or the Revenue Department. The expenditure in the department amounted to nearly Rs. 3,99,000 and if the suggestion was approved, some savings might be effected. The Inspectors did nothing beyond tree marking and certifying and that work could be easily done by the men of the revenue or the Police Department.

Coming to the Agricultural Department, MR. GURUSWAMI GOWDA said that the raiyats were not benefited to any appreciable extent by the huge sum spent by the Government on the Agricultural Department, *viz.*, Rs. 7,54,000. It had been said on previous occasions that the department existed for the purpose of experimentation and for suggesting means for raising better quality of crops. But nothing very much by way of improvement was perceptible, but on the other hand, they grievously failed in some respects. In one instance (Mr. K. H. Ramiah's case), the paddy seeds supplied by the department did not yield any crop. In another instance the potato seeds supplied by the department yielded no crop. Again the department charged 10 per cent profit on manure supplied by them in addition to railway freight and cart hire whereas the raiyats could get the same manure at cost price plus railway freight from the manufacturers direct, at Ranipet. 15

THE FIRST MEMBER OF COUNCIL said that no profit was being charged by the department.

MR. GURUSWAMI GOWDA said that he had occasion to personally look into the accounts of the Agricultural Depot at Chamarajpet, Bangalore, and that the accounts clearly showed that a profit of 10 per cent was being charged.

THE DIRECTOR OF AGRICULTURE said that it was obviously necessary to make up for the loss in driage, etc. The bags of manure which weighed 200 to 250 lbs. lost 7 or 8 lbs. in weight by the time they reached their destination, and the extra amount charged was intended to cover the losses on account of driage.

Arrangements had since been made for the purchase by raiyats of manure direct from the manufacturers at cost price and as such there would be no difficulty in the matter.

MR. GURUSWAMI GOWDA stated that he had personally seen the accounts of the Agricultural Depots and was sure that the department was making some profits. The manure that was prepared by him under the instructions of the departmental officers was much cheaper than that supplied by the department. The department was not able to supply improved variety of ragi to all parts of the State, and that only a few places got them. For all the above reasons, the huge expenditure of 7½ lakhs of rupees on the department was not justified and requested that the grant to that department might be considerably reduced.

Some other members of the Assembly were also of the opinion that raiyats had not been benefited to any very great extent by the department.

But MR. S. C. MALLIAH observed that absentee landlords could not gauge the improvements effected by the Agricultural Department and was of opinion that the grant should not be curtailed.

MR. GURUSWAMI GOWDA also pointed out that in Complete Middle Schools, there was no necessity for having a four-year course for the Primary classes and requested that the course in such schools might be limited to three years, and that existing system might continue in the case of Incomplete Middle Schools.

He also stated that for a school building, the people of Hoskote had contributed a sum of nearly Rs. 5,000 on the promise made by the Government that they would provide a building which would meet the requirements of both the boys' and girls' schools. But the building constructed was not sufficient even for the boys' school and had neither good flooring nor decent accommodation for the school. He therefore requested that the existing building might be improved and extended so that both the boys' and girls' schools might be located in one and the same building.

He also represented that the road on the Hoskote Dodkere bund might be provided with railings on either side to avoid accidents occuring every now and then. He said that accidents on the bund were almost of daily occurrence and unless some amount was provided in the budget, there was very great danger to vehicular traffic.

THE DEWAN-PRESIDENT said that many complaints had been received by the Government in the matter and that the matter was under consideration.

At this stage Mr. MAHOMED ABBAS KHAN moved an adjournment motion for considering the question of the

abolition of the Bench Courts in certain places recently ordered by Government.

In opening the discussion he said that after repeated representations in the Assembly for the last twenty years or more, they succeeded only a few years ago in establishing Bench Courts for the disposal of petty disputes and that these courts had been working very satisfactorily. These institutions afforded ample opportunities for the non-official gentlemen to exercise their influence and see that justice was meted out in petty cases and the Government in their Administration Report of 1924-25 had also stated that they were glad to record again the good work turned out by the Honorary Magistrates and that they disposed of 6,826 cases as against 5,065 in the previous year. In the same report, in another place, it was stated that 13,683 persons were involved in the 6,000 and odd cases dealt with by them. Of these cases, the number of acquittals amounted to 7,357 persons, number fined to 3,946 and the amount recovered by way of fines amounted to Rs. 10,000.

Recently, in the month of March 1926, Government passed an order directing the abolition of 12 of such courts with the result that 132 Honorary Magistrates were divested of their magisterial powers. The point for discussion was whether the action taken by the Government in abolishing the courts was justified.

The prime intention of the Government in opening those courts was that non-official gentlemen should be afforded opportunities to get themselves trained in administrative work and co-operate with them in the discharge of their duties to the best interests of the public at large. When the courts were first started, men capable enough to undertake the work were not forthcoming. Now that these institutions had been working satisfactorily for the last 6 or 7 years, it was only right on the part of the Government to give them further encouragement by way of giving them additional facilities and powers. The Bench Magistrates appointed were influential men of the place such as traders, patels, etc., who could command the respect of the people. They were appointed on the recommendations made by the Deputy Commissioners. When the scheme was first started there was no doubt a lurking suspicion everywhere whether in the Mysore State so many non-official gentlemen could be found who could conduct the work in Bench Magistrate Courts satisfactorily. This suspicion had been set at rest by successive Administration Reports.

At this stage, MR. C. B. SRINIVASA RAO raised a point of order. He invited the attention of the President to clause (7) of Rule 4 of the Standing Orders printed on page 3 of Volume II of the Manual which says: "A motion must not anticipate a matter which has been appointed for consideration, or with reference to which a notice of motion has been previously given." He said that representation No. 43 related to an identical question which would come up later on and that the adjournment motion was therefore opposed to the Standing Orders.

MR. SRIKANTIAH said that as the President had already accepted the motion, there was no force in the arguments put forward by Mr. C. B. Srinivasa Rao and that the discussion might be permitted.

THE PRESIDENT agreed with this view and allowed discussion of the adjournment motion.

MR. MAHOMED ABBAS KHAN continuing said that all the 12 courts abolished by the Government had been working very satisfactorily for many years past and that there was no justification to suddenly abolish them.

THE FIRST MEMBER OF COUNCIL explained that as it was brought to the notice of Government that the Stipendiary Magistrates had not enough work in certain places, Government thought it advisable to abolish Bench Courts in places where there were Special Magistrates' Courts so that the officers who were being paid by Government might be kept fully employed. With this object they abolished the Bench Magistrate Courts only in such places where there were Special Magistrates' Courts which otherwise had not enough work to do. Before the courts were abolished, the Chief Court was also consulted and they agreed to the action proposed to be taken. He assured the mover that there was no kind of reflection whatever on the work of the Honorary Magistrates. The only object was to keep the Government Officers fully engaged and nothing else.

When the Bench Courts were first established, Amildars were in charge of magisterial work and then came the Separation Scheme. Under that scheme, many new officers were appointed and in certain instances it was found that there was not enough work for them to do. So they had to take the course adopted in the Government Order of March last.

MR. MAHOMED ABBAS KHAN pointed out that the best course under the circumstances was to abolish the Special

Magistrates' Courts which had not sufficient work. The abolition of the Bench Courts alone did not solve the problem. There might be some Bench Courts where there would not be anything more than 4 or 5 cases. By transferring these cases to the Stipendiary Magistrates' Courts, the work could not be said to keep them fully engaged.

Besides, Bench Courts were the proper institutions for the disposal of petty cases such as cattle trespass, municipal cases, petty fights, etc. The Bench of Magistrates being composed of the men of the locality could dispose of the cases very amicably and very quickly too.

He was also afraid that the arguments now advanced by the Government for the abolition of Bench Courts would lead them to establish more Special Magistrates' Courts, if the work in the existing courts should increase.

He represented that it was not right on the part of the Government to abolish the courts already started. They should on the other hand encourage them, give them additional powers where good work was being turned out. They must train people to co-operate with Government in the discharge of their duties.

With these observations, he appealed to the Goverment to reopen the Bench Magistrates' Courts in all the places where they were recently abolished.

MR. G. PARAMASIVIAH seconded the motion and in doing so said that the action taken by the Government in abolishing these courts was in direct contravention to the announcement made by the Government that more and more powers would be conceded to the non-officials. When it was represented in the House that there was not enough work for First Class Magistrates, Government stated that the Second Class Magistrates' Courts would be abolished wherever they were not wanted and the work transferred to the First Class Courts. Instead of that they abolished the Bench Magistrates' Courts and transferred their work to the Second Class Magistrates' Courts. That was against the principle laid down by the Government themselves.

In western countries, the Bench Magistrates' Courts had been vested even with first class powers, and it was not right on the part of the Government to withdraw the little concession that they had given to the non-officials by abolishing the Bench Courts. Besides, education had spread and many literate and intelligent people were available to undertake the work. Under such circumstances, it would be a graceful act on the part of the Government to re-estab-

lish the courts wherever they had been abolished and invest them with additional powers wherever necessary.

MR. B. NARASINGA RAO opposed the motion and said that the action of the Government in abolishing the courts was fully justified. He said that when the representation tabled for discussion on the subject came up for discussion, the House would be in a position to understand what the defects in those institutions were and to what harrassments the poor raiyats were being subjected to. It seemed to him that the only objection against the abolition was that 132 non-officials were divested of their magisterial powers. He thought that considerations of prestige should not come in the way of a dispassionate view of the case. He therefore opposed the motion.

MR. BYANNA supported the motion. He said that the establishment of Bench Courts gave the non-officials opportunities to associate themselves more and more with the administration of the country and that Government also agreed, in connection with their retrenchment orders, that such an association would tend to reduce Government expenditure. He was of opinion that by abolition of these courts, even the little opportunities that the non-officials had to co-operate with the Government were lost. He therefore appealed to the Government to re-establish the courts.

MR. RUDRAPPA said that the Government Order was in direct contravention to the aims and objects of the Separation Scheme. The object of the scheme was that the non-official help also should be taken in the discharge of civil justice and that the local officers should select the right persons for the posts of Honorary Magistrates. It was therefore right that the courts must be re-established. With these observations, he supported the motion.

MR. SHERIFF said that the question of closing down these Bench Magistrate Courts had already been discussed in the last session of the Representative Assembly. Many of the people who came to the House in the capacity of members as well as those of the legal profession were unanimous in the belief that the Bench Courts were not being conducted very well. Those gentlemen who did not belong to the legal profession would not be able to appreciate the difficulties with which lawyers and advocates were being confronted whenever they had the misfortune of pleading in the Bench Magistrates' Courts. Many of the men invested with the powers of Second Class Magistrates were unlettered and many were not trained in the procedure upon which the

whole system was based. Everything in these days was based on case law. The gentlemen appointed as Honorary Magistrates did not know what case-law was. Advocates and lawyers might argue, but the Magistrates understood nothing.

THE DEWAN-PRESIDENT observed that there was no case-law in trivial cases.

MR. SHERIFF continuing said that many of the gentlemen who came to the Bench were old men. They had not the patience to hear the arguments nor to understand in a calm spirit the *pros* and *cons* of the cases. In view of the fact that many people could not understand the law, he submitted that instead of closing down 12 or 13 courts, all the Bench Magistrate Courts might be abolished.

MR. DALVOY BASALINGAPPA supported the motion in the course of which he said that the Bench Magistrates got a lot of experience in the administration of the law and the disposal of cases and that their work was satisfactory. The only difficulty was that on account of the non-appearance of the lawyers at the proper time, several adjournments became necessary. Under the present system local people could get speedy justice.

There was some difficulty in the initial stages of the scheme as men capable of undertaking the work were not forthcoming. People had good experience of the work of the Bench Courts during the last few years and any number of trained non-official men were now available. Under the circumstances, it would have been very much appreciated if these institutions had been improved and additional powers vested in them. By the abolition of these courts, the raiyats had been put to considerable difficulties. They had to wait upon lawyers paying higher fees, and cases could not be disposed of quickly.

As a measure of improvement, he suggested that the most regular and intelligent member of the Bench might be vested with special powers to dispose of cases on his own responsibility even though his colleagues do not turn up. This would stimulate the work of the courts.

MR. ABDUL NABI said that many technicalities were involved in the administration of civil and criminal justice and that it should be entrusted to educated men. They should be in a position to discriminate what evidence to record and what not. While even educated people failed in that task, it was not right that people who could not discriminate what evidence to record and what not should be entrusted with any powers.

He also thought that the Honorary Magistrates lost nothing by the abolition of these courts except the powers vested in them as Magistrates. He doubted whether the people who so readily came forward to serve as Bench Magistrates without remuneration had no other personal object in view. For these reasons, he opposed the motion.

MR. SINGRI NANJAPPA said that it was a very good sign that there was no work in the Special Magistrates' Courts. The best thing that the Government could have done under the circumstances was to abolish the Special Magistrates' Courts and not the Bench Courts. Or the jurisdiction of the Special Magistrates might be increased.

He referred to the observations made by his previous speakers regarding the incapability of the non-officials to do the work and said that even among the double graduates, there were many people who did not know what law was and that mere graduation should not be the criterion for holding responsible positions. Men with common sense and broad vision should hold such places. With these observations, he supported the motion.

MR. MIR MOHAMED pointed out that the Bench Courts were dealing with cases falling under only two or three sections of the Penal Code and that the objection to the motion from the members of the legal profession was that they considered it below their dignity to go to those Bench Courts and say "Your Honour" to the Honorary Magistrates. The Bench Magistrates' Courts were absolutely necessary in the interests of the poor classes who could not pay very heavy fees to the lawyers. A case which might cost a raiyat Rs. 50 in a Special Magistrate's Court could be settled within ten rupees. For these reasons he supported the motion.

MR. BAGEMANE DEVEGOWDA and others spoke in favour of the continuance of the Bench Courts as they disposed of cases more expeditiously than the Special Magistrates with less cost.

MR. BELUR SRINIVASA IYENGAR was of opinion that the Bench Courts were abolished for very good reasons. He said that the Bench Courts were established in places where the Special Magistrates had more work than they could do. If the Special Magistrates could not be fully worked by reason of the prior establishment of Bench Courts, the only thing to do was to abolish the Bench Courts. The jurisdictions of the two kinds of courts being defferent, the people would be put to considerable trouble if the